IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9598 of 2004

Between:

Jagathi Nehru, S/o Thimmaraju,
R/o Purushothapalli Village, Nidadavole Mandal, West Godavari District.

..... PETITIONER

AND

1 Commissioner of Endowments, Government of A.P.Hyderabad.
2 Asst.Commissioner of Endowments, Rajahmundry, East Godavari District.
3 Sri Raja Kandregula Jogi Jagannadha Rao Panthulu Bahadhur Vari Annadana Satram,
Rajanagaram Village and Mandal, East Godavari District rep.by its Executive Officer

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or direction, declaring the action of the respondent without issuing any notice as per Law, trying to evict the petitioner from the lands in R.S.No.245 an extent of Ac.4.90 cents in Tyajampudi Village, Devarapalli Mandal, W.G.District, is illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the 3rd respondent Executive Officer not to evict the petitioner from the above lands without following the due process of law

Counsel for the Petitioner:MR.CH.DHANAMJAYA

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.9598 OF 2004

ORDER:

The petitioner claims to be the tenant in respect of Ac.4.90 cents of land situated in R.S.No.245 of Tyajampudi Village, Devarapalli Mandal of West Godavari District belonging to third respondent. He filed this writ petition contending, inter alia, that though he has been paying the rents regularly, third respondent is taking steps to evict him from the lands in question without giving any notice. This Court by an order dated 16.6.2004 while granting time to the respondents to file the counter affidavit, directed that in the meanwhile status quo with regard to the land in question shall be maintained. The third respondent has filed counter affidavit stating that the petitioner is not the tenant in respect of the lands in question and as a matter of fact, the father of the petitioner by name Jagati Thimmaraju is the tenant. It is further stated that the plea raised by the petitioner that he has been paying the rents in respect of lands in question is not correct and that the receipts said to have been produced by the petitioner are all false receipts. However the learned counsel for the petitioner states that the petitioner has been in possession and enjoyment of the land in question along with his father and due to the family partition he is now exclusively cultivating said Ac.4.90 cents of land, which is the subject matter of this writ petition. It is also stated that the petitioner has already made a representation dated 17.6.2004 before the Assistant Commissioner of Endowments, Rajamundry making a claim that he is

a land less poor and thus he is entitled to the benefit of sub-section (2) of Section 82 of the Endowments Act.

Having regard to the facts and circumstances and since matter involves several disputed questions of fact, I deem it appropriate to dispose of the writ petition with a direction to the Assistant Commissioner of Endowments, Rajamundry to consider the representation dated 17.6.2004 made by the petitioner and to pass appropriate orders, in accordance with Law, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Till such orders are passed, the status quo obtaining as on today as to the nature and possession of the land in question shall be maintained.

Writ petition is accordingly disposed of. No costs.

02.8.2004.

mdaa.

Copy to:

1 Commissioner of Endowments, Government of A.P.Hyderabad.
2 Asst.Commissioner of Endowments, Rajahmundry, East Godavari District.

3. Two C.Cs. to G.P.for Endowments, High Court of A.P., Hyderasbad (OUT)

4. Two C.D.Copies.